THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2161 of 2007

08.2.2007

Between:

C.Rama Devi, W/o.Vijaya Kumar
And others

... Petitioners

AND

The Joint Collector, Ranga Reddy District, Khairatabad
andothers

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2161 of 2007

ORDER:

The third petitioner herein preferred revision under Section 9 of A.P. Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity) before the first respondent herein against the orders of the Revenue Divisional Officer (RDO), Ranga Reddy District, East Division – second respondent herein; dated 12.1.2006. Be it noted that the RDO by the said orders confirmed the proceedings of the third respondent recognizing respondents 4 to 8 herein as successors and legal heirs of M.Laxminarayana Das, who is statedly the owner of agricultural land admeasuring Acs.17.35 guntas in various survey numbers situated at Uppal Bhagath village in Ranga Reddy District.

The petitioners allege that they are the daughters of Laxminarayana Das and they also have claimed a share in the property being the legal heirs. In spite of the same, the Mandal Revenue Officer (MRO), Uppal Mandal – the third respondent herein; without notice to the petitioners, passed orders in favour of respondents 4 to 8 ignoring the claims of the petitioners. The RDO, on an appeal, did not even verify the records and affirmed the orders passed by the MRO in favour of the contesting respondents. It is also their contention that the authorities were carried away by the *ex parte* decree dated 28.12.2004 passed in O.S.No.1087 of 2004 on the file of the Court of the Junior Civil Judge, East & North, Ranga Reddy District, in favour of respondents 4 to 8 and when there is a dispute regarding the title in a summary manner, the right of the petitioners and contesting respondents, cannot be decided by the

authorities.

Learned Counsel for the petitioners apart from reiterating the above, contends that the order of the first respondent is erroneous, as the entire order is based on the decree in O.S.No.1087 of 2004 against which an appeal is pending. He placed reliance on the decision of this Court in **B.Pushpamma v Joint Collector, Ranga Reddy District**[1] in support of the contention.

There is no dispute that it is only the third petitioner herein, who preferred a revision under Section 9 of the Act before the first respondent. The petitioners 1 and 2 did not even prefer an appeal or revision staking their claim. Be that as it is, respondents 4 to 8 herein admittedly filed O.S.No.1087 of 2004 for a declaration that they are the legal heirs of late M.Laxminarayana Das. As is usually done in such succession suits, the defendants are shown as all concerned and in all probability the summons was published in Newspapers as required under the relevant Rules. Be that as it is, aggrieved by the judgment and decree in O.S.No.1087 of 2004, as found by the first respondent, an appeal is pending. Therefore, unless and until the petitioners succeed in the appeal, they cannot be said to have any grievance if the names of respondents 4 to 8 are mutated by the MRO, which has been accepted by the appellate authority. The decision cited by learned Counsel for the petitioners in **B.Pushpamma** (supra) has no application, as in this case, respondents 4 to 8 initially obtained decree from the civil Court declaring them as legal heirs of M.Laxminarayana Das and thereafter filed application for mutation of their names in the revenue records. This Court does not find any infirmity in the impugned order passed by the appellate authority.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(**V.V.S.RAO,J**)

February 08, 2007.
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[1] 2005(1) ALT 240